

REMARKS

The Office Action in the above-identified application has been carefully considered and this amendment has been presented to place this application in condition for allowance. Accordingly, reexamination and reconsideration of this application are respectfully requested.

Claims 1–4 and 6-14 are in the present application. It is submitted that these claims were patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. The changes to the claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. sections 101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled. Claim 5 is canceled.

The drawings were objected to because of various informalities. In response, Applicant respectfully submit the attached replacement drawing sheets in which the label —PRIOR ART— was added to Figures 1 and 2. Accordingly, Applicants believe this objection has been overcome.

The Specification was objected to because of various informalities. In response, Applicant has amended the paragraph starting on page 5, line 20 in accordance with the Examiner's comment. Accordingly, Applicant believes this objection has been overcome.

Claims 1, 2, and 5-14 were rejected under 35 U.S.C. § 102(b) as being anticipated by Levine et. al. (U.S. Patent 4,739,495). The present invention includes “an automated writing

mode in which the position of said defective pixel is automatically determined by scanning an acquisition image acquired by said solid state image device and comparing a luminance value for each pixel with a predetermined luminance value.” (Claim 11; Claim 1 contains similar limitations) This feature is shown as steps A8 and A9 of Figure 4 and supported in the specification on page 13, lines 11-19. The Examiner asserts, in reference to canceled claim 5, that Levine discloses an analogous automated writing mode at Column 7, lines 12-36. (Office Action page 3) However, Levine’s automatic mode uses the amplitude value rather than the luminance value of the pixels. Levine further fails to disclose comparison to “a predetermined luminance value” as required in the present invention. Accordingly, Levine fails to anticipate the present invention, and the rejected claims should now be allowed.

Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Levine in view of Gover et al. (U.S. Patent 4,833,462). Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Levine in view of Aufrichtig et al. (U.S. Patent 6,661,456). However, Gover and Aufrichtig are relied upon solely to meet limitations in the dependent claims. However, since the rejected dependent claims inherit the limitations of independent claim 1, the rejection based on the additional references to Gover and Aufrichtig should be withdrawn in view of the foregoing discussion.

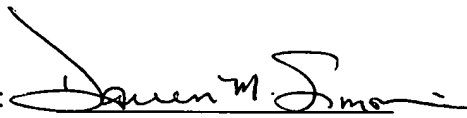
In view of the foregoing amendment and remarks, it is respectfully submitted that the application as now presented is in condition for allowance. Early and favorable reconsideration of the application are respectfully requested.

No additional fees are deemed to be required for the filing of this amendment, but if such are, the Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:

A handwritten signature in black ink, appearing to read "Darren M. Simon", written over a horizontal line.

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